

REMARKS

Claims 1 to 31 are pending. Claim 1 is independent.¹ Favorable reconsideration and further examination are respectfully requested.

In response to the outstanding election of species requirement, Applicants respectfully elect the species of Fig. 5B. Claims 1 to 8, 10, 12 to 24, and 27 to 31 are believed to read upon the elected species. This election is made with traverse for at least the reasons explained below.

This application is a PCT national stage application. Accordingly, pursuant to MPEP §1850, the USPTO is required to follow PCT rules regarding unity of invention. In particular, the MPEP states:

Therefore, when the Office considers international applications as an International Searching Authority, as an International Preliminary Examining Authority, and during the national stage as a Designated or Elected Office under 35 U.S.C. 371, PCT Rule 13.1 and 13.2 will be followed when considering unity of invention of claims of different categories without regard to the practice in national applications filed under 35 U.S.C. 111. No change was made in restriction practice in United States national applications filed under 35 U.S.C. 111 outside the PCT. (emphasis added)

Thus, to reiterate, U.S. restriction rules do not apply to this case. PCT rules apply.

In this regard, Applicants note that the PCT rules regarding unity of invention are not understood to provide for requirements to elect species. In fact, PCT Rule 13.4 states

Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention. (emphasis added)

¹ The Examiner is urged to independently confirm this recitation of the pending claims.

Thus, if there is unity of invention pursuant to PCT Rule 13.1, which Applicants contend there is in this case, then the application may contain dependent claims "even where the features of any dependent claim could be considered as constituting in themselves an invention".

In this regard, Applicants submit that there is unity of invention for this application under PCT Rules 13.1 and 13.2. PCT Rule 13.2 states

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Under PCT rules, unity is determined with respect to the "claimed inventions", not figures in the specification. In this case, all of the claims in this application include the same special technical feature. As stated in the rule, a special technical feature means "technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art".

In this application, claim 1 is the sole independent claim. That claim includes

a support element at the top surface of the carrier substrate, the support element surrounding the chip but not touching the chip; and
a seal that borders the chip and the support element;
wherein the support element supports the seal.

As described in the specification, these features relieve thermal expansion of electrically conductive connections (see, e.g., page 3, line 17 to page 4, line 1). Since all of the claims now depend from claim 1, all of the claims include this feature. Therefore, there is unity of invention under the PCT rules. Whether or not the different embodiments can be grouped

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into separate species under U.S. examination rules, is not relevant to the analysis under PCT Rules 13.1 and 13.2.

For at least the foregoing reasons, Applicants submit that the election of species requirement is improper and should be withdrawn.

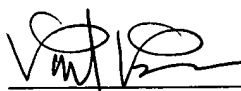
Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Please apply any fees or credits due in this case, which are not already covered by check, to Deposit Account 06-1050 referencing Attorney Docket No. 14219-076US1.

Respectfully submitted,

Date: _____

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